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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,339	04/09/2004	Jamie Wojcik	3441.01US01	9986
24113	7590	09/20/2005	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

10/821,339

Applicant(s)

WOJCIK, JAMIE

Examiner

Son M. Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/02/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claim 1 “a remote signal transmitter”, claim 13 “liquid crystal display”, claim 16 “solar powered” and claim 11 “plurality of receivers” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 8-10 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkhurst [US 5,450,060] in view of Stachurski [US 6,049,274].

Regarding claims 1, 17 and 19: Parkhurst discloses a motion detection apparatus comprising:

- a motion detector (S-1) comprising a wireless transmitter (45 and 46);
- a receiver (51) comprising a microcontroller (met by decoder 65), a sensor (64) in electrical communication with the microcontroller and in wireless communication with the transmitters and at least one indicator (54-1) in electrical communication with the microcontroller and respectively associated with the at least one motion detector [as shown in Fig. 1, 4-6, col. 3, lines 29-47], Parkhurst does not specifically disclose that the receiver includes a light source that selectively activated by a remote signal transmitter. Stachurski teaches a security system comprises a motion detector (14) and a light source (26 light globe), which selectively activated by a remote transmitter (28) to illuminate an area [see Fig. 1-2 and col. 1, lines 38-46, col. 2, lines 59-65 and col. 5, lines 1-5]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to have a light source that be able to activate by a remote control as taught by Stachurski in the receiver of a motion monitoring system of Parkhurst, so that it can be used as both motion monitor and illuminate an area.

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Regarding claim 2: Parkhurst and Stachurski discloses all the limitations as described above, except for not specifically teach that the receiver is a weatherproof housing. Since, the receiver (51) is used for outdoor hunting, thus, it is obvious to one having ordinary skill in the art that the receiver is a weatherproof housing.

Regarding claim 3: Parkhurst further teaches that the receiver is adapted to be removably mounted to a structure (such as belt) by a mounting clip 55 [see Fig. 5B].

Regarding claim 5: Parkhurst and Stachurski discloses all the limitations as described above, except for not specifically disclose that indicator is a light emitting diode. Examiner Taken Official Notice that light-emitting diode is known in the art that it has been used for indicator.

Regarding claim 8: Parkhurst and Stachurski discloses all the limitations as described above, except for not specifically disclose a light source comprises a light emitting diode. Since, light emitting diode is widely use for light source, thus, Examiner taken an Official Notice that using LED for light source is known in the art.

Regarding claims 9 and 18: Parkhurst and Stachurski discloses all the limitations as described above, Stachurski further teaches that the button 60 of remote controller 28 is pressed to transmit a control signal to control circuit 12, and after a predetermined delay the control circuit 12 will turn off the globe 26 [see col. 4, lines 41-49], that constitutes of the light source is deactivated after a period of time after receipt of the activation signal has passed as claimed.

Regarding claim 10: Parkhurst and Stachurski discloses all the limitations as described above, Stachurski further teaches that to turn on the globe light 26 the control circuit

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12 of portable system 10 must received a OFF signal (first activation signal) from the remote controller, and a ON signal (second activation signal) which turn on control circuit, but turn off globe light [see col. 1, lines 38-45], that constitutes of light source is deactivated after receipt of a second activation signal as claimed.

Regarding claims 15-16: Parkhurst and Stachurski disclose all the limitations as described above, Parkhurst further discloses that the motion detector are battery powered and solar powered [see col. 2, lines 54-56].

4. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkhurst in view of Stachurski in claim 1 above, and further in view of Bailey, III [US 2004/0246122].

Regarding claim 4: Parkhurst and Stachurski discloses all the limitations as described above, they fail to specify that the indicator is deactivated after a period of time after receipt of the at least one motion signal has passed. Bailey teaches a detection system comprises a receiver includes an indicator device 50 which indicates a detected signal and further includes an indicator time period selector (84) which uses to select a deactivated time after a period of time [see Fig. 1 and ¶ 0021]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to modify time selector as to deactivate an indicator after a period of time after receipt of motion signal as taught by Bailey in the combination above, for the purpose of conserving power and easy to identify the next motion detected signal.

Regarding claim 6: Parkhurst and Stachurski discloses all the limitations as described above, except for not specifically teach that the indicator is activated at a first level of brightness

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upon receipt of the at least one motion signal, at a second level of brightness after a first period of time has passed after of the at least one motion signal, and is deactivated after a second period of time after receipt of the at least one motion signal has passed. Bailey teaches a motion monitor system comprises an indicator includes alarm time period selector (84) for selecting the alarm time period [¶ 0024] and alarm magnitude selector (86) for selecting the intensity (brightness) of light [see ¶ 0021]. Since, the alarm time period and the light intensity can be adjusted by the user, therefore, It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to be able to modify, the first and second levels brightness of an alarm indicator and the alarm time period as taught by Bailey in the combination above, in order to provide a better identify of a detected signal.

Regarding claim 7: Parkhurst and Stachurski discloses all the limitations as described above, they are not specifically teach that the indicator is activated in a first color upon receipt of the at least one motion signal and is activated in second color after a period of time has passed after receipt of the at least one motion signal. It is known in the art that when the indicator is activated, the light is in a first color and when after the predetermined of period the indicator is turn off the light is in a second color, therefore, it would have been obvious of one having ordinary skill in the art to recognize that after a period of time the indicator light is changed from light on to light off which constitutes of first color to second color.

5. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkhurst in view of Stachurski in claim 1 above, and further in view of Rodhall et al. [US 5,463,595].

Regarding claim 11-12: Parkhurst and Stachurski discloses all the limitations as described above, they fail to specify that the system is comprises a plurality wireless receivers which first receiver receiving an activation signal wirelessly relays the activation signal to at least a second receiver. Rodhall et al. teach a plurality wireless portable security systems for outdoor sites which is be able to relay the activation alarm signal to at least a second receiver [as shown in Fig. 2C, col. 5, lines 38-54]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to implement a plurality of receivers that wireless communicate with each other as taught by Rodhall et al. into the system of combination above, for the purpose of convenience and save time, since the receivers are capable to relay signal to each others.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkhurst in view of Stachurski in claim 1 above, and further in view of Cross [US 5,785,243].

Regarding claims 13-14: Parkhurst and Stachurski discloses all the limitations as described above, they fail to specify that the receiver further comprises a temperature sensor and a liquid crystal display to display the a sensed temperature. Cross teaches a system which comprises a receiver which receives a signal from a motion detector (4) and further comprises a temperature sensor and a LCD display (7) which displays a sensed ambient temperature [see Fig. 1-3, col. 2, lines 30-65]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to employ a LCD display and a temperature sensor display as taught by Cross into the receiver of the combination above, in order to provide to user an additional information such as an ambient temperature.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cram [US 5,939,987], Bedrosian [US 5,440,292], Thacker [US 6,359,564] and Thacker et al. [US 2002/0173940].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang


BENJAMIN C. LEE
PRIMARY EXAMINER